

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

Voluntary - Public

Date: 10/6/2009

GAIN Report Number: MX9074

Mexico

Post: Mexico

Mexico Apple Antidumping Preliminary Resolution

Report Categories:

Fresh Deciduous Fruit

Trade Policy Monitoring

Agricultural Situation

Approved By:

Allan Mustard

Prepared By:

Dulce Flores

Report Highlights:

The Secretariat Economy (SE) published a Preliminary Resolution based on the Final Resolution of the apple antidumping investigation in the *Diario Oficial* (Federal Register), on October 5, 2009 declaring that it could not determine a specific margin of price discrimination specific to each apple importing company that requested the review. Therefore the reviewing process will continue, but apple duties for these companies continue in place. Interested parties have 30 working days to comment or submit additional information.

General Information:

Introduction: This report summarizes an announcement from the Secretariat of Economy (SE) on a preliminary resolution based on the Final Resolution of the apple antidumping investigation of November 2, 2006, published in Mexico's "*Diario Oficial*" (Federal Register) on October 5, 2009.

Disclaimer: This summary is based on a *cursory* review of the subject announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulation in question, or of its implications for U.S. agricultural export trade interests. In the event of a discrepancy or discrepancies between this summary and the complete regulation or announcement as published in Spanish, the latter shall prevail.

Title: Preliminary resolution of the annual review of the compensatory quotas imposed through the final Resolution of the antidumping investigation on the importation of Red Delicious apple varieties, their mutations and Golden Delicious apples, originating in the United States, independently from the country of origin. This merchandise is classified under the tariff number 0808.10.01 of the General Duties of Import and Export Tariff Law.

Executive Summary:

On November 30, 2007, seven U.S. companies that export Red and Golden Delicious apples to Mexico and that are under the November 2, 2006, final resolution of the antidumping investigation on the importation of Red Delicious apple varieties, their mutations, and Golden Delicious apples, and all products included in tariff line 0808.10.01 of the General Duties of Import and Export Tariff Law, originating and coming from the United States, requested an annual review of the compensatory quotas as well as the calculation of their individual margin of price discrimination according to the Mexican Law. (See report MX8077)

On October 5, 2009, the SE published a preliminary resolution, indicating that due to insufficient information from the different companies, SE was not able to determine a normal value that was comparable to the price of export in terms of articles 31 of the Law of Foreign Trade and 2.1 of the Antidumping Agreement. Therefore, it could not determine a specific margin of price discrimination specific to each apple importing company.

As a result, the resolution indicates that the administrative review procedure will continue, but the compensatory duty of 47.05 will be maintained as it was. According to the announcement, the companies have 30 working days to submit any argument, or better or additional information so that SE can determine in a precise manner the price discrimination margin that corresponds to each company.

Important Dates

- 1. Publication Date:** October 5, 2009.
- 2. Effective Date:** October 6, 2009

3. Submit Information: November 18, 2009 at 14.00 p.m. (30 working days)

Background:

The seven companies that initiated this review are: Cowiche Growers Inc., CPC International Apple Co., Jack Frost Fruit Company, Inc., Matson Fruit Co. Monson Fruit Company Inc., Yakima Fruit and Cold Storage Co., Inc. and Zirkle.

On November 14, 2008, the SE announced the resolution that initiated the annual review of the compensatory quotas imposed on the seven companies. Under Mexican Law, any company that believes it has not been exporting under unfair practices can request SE to review their case and obtain a lower or null compensatory duty. The reviewing period of time was set from August 1, 2007 to September 30, 2008.

For More Information:

AgMexico@usda.gov

Fax: 011-52-55-5080-2532

Internet Connections:

FAS Web Site: <http://www.fas.usda.gov>

Useful Mexican Web Sites:

Mexico's equivalent of the Secretariat of Agriculture, SAGARPA, can be found at www.sagarpa.gob.mx and Mexico's equivalent of the Secretariat of the Economy can be found at www.se.gob.mx